SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Writ Petition (S) No. 1308 **/2007**

Petitioner :- Arjun Lal Yadu S/o Sarju Yadu, aged about 60 years, Village Funde dih , Post Jara, P.S. Khorara, Tah.Balodabazar ,District. Raipur (C.G.)

P.R. No. 1309/07 Advocate Patil
Presented on 14-02-2007

Versus

Respondents :-

1. State of Chhattisgarh , Through, Secretary, Department of water Management, D.K.S. Bhawan, Raipur (C.G.)

2.Sub Divisional officer, Water management, Sub division No. 7 Balodabazar , Thana kahora, Distt. Raipur (C.G.)

3.Executive engineer, Water management, Balodabazar,Division No. 2 Distt. Raipur (C.G.)

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISUANCE OF A WRIT IN THE NATRURE OF MANDAMUS, PROBITION, CERTERORI OR ANY OTHER DIRECTION(S) OR ORDER(S)

(36)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1308 of 2007

Petitioner : Arjun Lal Yadu

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. Ashok Patil, Advocate for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the State/respondents.

O R D E R

(Passed on this 8th Day of March, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed on 15-5-1986 as permanent Gangman in the Public Works Department, who has worked for more than 21 years as Gangman. He seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the

petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit